

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
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Matthew Thomas Hart)	Group Art Unit: 2145
)	
Application No. 09/785,240)	Examiner: Choudhury, Azizal Q.
)	
Filed: 02/20/2001)	Atty. Docket No.:
)	NAIIP445/00.174.01
For: UNWANTED E-MAIL FILTERING)	
SYSTEM INCLUDING VOTING)	Date: 01/16/2008
FEEDBACK)	
_____)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Board of Patent Appeals and Interferences

REPLY BRIEF (37 C.F.R. § 41.37)

This Reply Brief is being filed within two (2) months of the mailing of the Examiner's Answer mailed on 11/16/2007.

Following is an issue-by-issue reply to the Examiner's Answer.

Issue # 1:

The Examiner has rejected Claims 9-11, 21-23, 33-35, and 37-43 under 35 U.S.C. 103(a) as being unpatentable over Pollack et al. (U.S. Patent No. 6,546,390) in view of Dieterman (U.S. Patent No. 6,393,464).

Group #1: Claims 9, 11, 21, 23, 33, 35, and 38-39

With respect to the independent Claims 9, 21, and 33, and specifically with respect to appellant's claimed "message forwarding logic operable to forward said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message" (see the same or similar, but not necessarily identical language in the independent claims), the Examiner has stated that Pollack "does not specifically disclose the prompt that is sent to the user with the potentially unwanted (spam) email," but that Dieterman, (Col. 5, lines 24-46) "discloses prompting an administrator for approval of a potentially unwanted e-mail message."

Appellant respectfully asserts that, in Dieterman, messages that require approval are placed in an inbox for an administrator to approve before being put in a user's inbox. Thus, since Dieterman only discloses administrator approval, Dieterman does not teach "forward[ing] said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message," as appellant specifically claims (emphasis added).

In the Advisory Action mailed 03/23/2006, the Examiner, in response, has argued "the Dieterman art teaches means for approval of potentially unwanted email (Dieterman, column 5, lines 24-46)." Appellant again respectfully asserts that the excerpt from Dieterman relied upon by the Examiner discloses that "[a]n administrator thereafter may approve each such message, step 59" (emphasis added). Additionally, the administrator approval is further described in Figure 5, step 59 as an "[a]pproval by [a] guardian" (emphasis added). However, "administrator approval" and "[a]pproval by [a] guardian," as in Dieterman, clearly fails to even suggest a technique where "message forwarding logic [is] operable to forward said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as

to whether or not said received e-mail message is an unwanted e-mail message,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack art teaches a design for detecting unwanted emails,” in which “[b]ased on a user profile, a message is analyzed and is deemed wanted or unwanted through a scoring technique.” The Examiner has also argued that the “Dieterman art also teaches a design for detected unwanted emails,” where “the address of the email sender is compared against a list and ‘allowed’ senders’ emails are allowed to proceed to the normal inbox,” and “[e]mails with addresses not in the list are placed in an inbox for messages requiring approval.” Further, the Examiner has argued that the “administrator may approve such a message, wherein it is placed into the normal inbox; otherwise the email is deleted (column 5, lines 21-46, Dieterman).” Still yet, the Examiner has stated that the “Dieterman reference was used to teach that a prompt is sent to the user (administrator) and the Pollack art is used to teach the rest of the claimed subject matter.”

Appellant respectfully disagrees. First, simply disclosing that “a message is analyzed and is deemed wanted or unwanted through a scoring technique,” as alleged by the Examiner to be taught in Pollack, fails to even suggest “forward[ing] said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message,” as claimed (emphasis added).

Second, appellant respectfully points out that Dieterman only discloses that “all email messages addressed to the user are transferred by the ISP to the user’s email terminal each time the terminal is connected to the ISP server,” and that “[i]f the identity of the sender of an email is determined to not appear on the allowed list...the incoming message...is placed in the inbox for messages requiring approval” such that “[a]n administrator thereafter may approve each such message” (Col. 5, lines 24-46-emphasis added). Thus, Dieterman merely discloses transferring emails addressed to a user to the user’s email terminal, where an administrator approves messages requiring approval. Clearly, such teaching does not meet appellant’s claimed “message forwarding logic operable to forward said potentially unwanted e-mail message to its addressee together with a prompt for said addressee to provide feedback as to whether or not said received e-mail message is an unwanted e-mail message,” as claimed (emphasis added).

Also in the Examiner's Answer mailed 11/16/2007, the Examiner has argued that "when the relevant portion of the Dieterman prior art is read, it is reasonable to interpret the administrator as being an addressee," such that "the email to be judged could be addressed to the administrator (addressee) and the administrator (addressee) hence has the opportunity to determine if the email is wanted or unwanted."

Appellant respectfully disagrees. As noted above, Dieterman only discloses transferring emails addressed to a user to the user's email terminal, and that an administrator approves messages requiring approval. Thus, Dieterman clearly distinguishes between the user and the administrator, which does not meet appellant's claimed "forward[ing] said potentially unwanted e-mail message to its addressee together with a prompt for **said addressee to provide feedback** as to whether or not said received e-mail message is an unwanted e-mail message," as claimed (emphasis added).

In addition, appellant respectfully disagrees with the Examiner's statement that "it is reasonable to interpret the administrator as being an addressee." Dieterman expressly discloses that "all email messages addressed to the user are transferred by the ISP to the user's email terminal each time the terminal is connected to the ISP server" such that "[i]f the sender is determined to be in the allowed list...the incoming message is...placed in the normal mail inbox" and "[i]f the identity of the sender of an email is determined to not appear on the allowed list...the incoming message...is placed in the inbox for messages requiring approval" (Col. 5, lines 32-38 -emphasis added). Clearly, Dieterman only discloses transferring email messages addressed to a user to the user's email terminal and either placing the emails in the normal mail inbox or the inbox for messages requiring approval, which does not even suggest that "the administrator...[is] an addressee," as alleged by the Examiner.

Still with respect to the independent claims, the Examiner has relied on the following excerpt from Pollock to make a prior art showing of appellant's claimed technique "wherein a rule associated with said e-mail filtering logic is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail

message” (see the same or similar, but not necessarily identical language in the independent claims).

“The method may further include steps of developing message information based on the incoming message, the relevancy scores, and the profiles of the plurality of users to the plurality of users, and delivering the message information to at least some of the plurality of users. The user profiles database may include relevancy thresholds for the plurality of users, the step of developing the message information may include a step of comparing the relevancy scores to the relevancy thresholds; and the step of delivering the message information may include a step of delivering the message information only to those users whose relevancy scores satisfy the corresponding relevancy thresholds. The user profiles database may include a maximum number of users to whom the message information is to be delivered, and the step of delivering the message information may include a step of delivering the message information to no greater than the maximum number of users. The step of delivering the message information may include a step of sending the message information to the at least some of the plurality of users as an electronic mail message, or a step of updating a message display using the message information.” (Col. 3, lines 51-60)

Appellant respectfully asserts that such excerpt does not even suggest any sort of “threshold of a predetermined number of votes,” as appellant claims (emphasis added). In particular, Pollack only modifies a user’s profile based on the user’s feedback indicating either a positive or negative preference for the message information. Clearly, Pollack also fails to disclose votes, as appellant claims, but instead only discloses a user’s feedback. Thus, Pollack only uses a single instance of a user’s feedback in order to modify the same user’s profile, and therefore does not utilize a “threshold of a predetermined number of votes [that] positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as appellant claims.

In the Advisory Action mailed 03/23/2006, the Examiner, in response, has argued that “Pollack teaches how feedback is permitted by the user (column 6, line 45 – column 7, line 3, Pollack).” Appellant respectfully asserts that the excerpt relied upon by the Examiner merely teaches that “the delivery mechanism 118 may then only deliver the message information 120 to users whose relevancy scores satisfy their relevancy thresholds” (emphasis added). Again, appellant notes Pollock only teaches that “a user 122 may interactively provide user feedback 124 to modify the user’s profile in the user profiles 112 to reflect changes in his or her preferences” (Col.7, lines 52-55), and thus Pollock only uses a single instance of a user’s feedback to determine relevancy. However, using “relevancy thresholds” to determine the relevancy of message information to a

user profile, as in Pollack, simply fail to meet a technique where “a rule...is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as claimed (emphasis added).

In addition, the Examiner has argued that Pollack teaches that “if a threshold is met, then a rule is applied (column 3, lines 51-60, Pollack).” Appellant respectfully asserts that the excerpt from Pollack relied upon by the Examiner teaches that “receiving user feedback may include ... receiving an indication from the user that the user has expressed a positive preference...” or “a negative preference for the message information” (emphasis added). Simply disclosing “user feedback” with a “positive preference” or “negative preference,” as in Pollack, simply fails to disclose “a rule associated with said e-mail filtering logic [that] is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as claimed by appellant (emphasis added). Therefore, only appellant teaches a technique “wherein a rule associated with said e-mail filtering logic is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack prior art has user profiles containing user preferences and ‘relevancy thresholds’,” such that “[w]hen an email is received by the system, it is analyzed and is assigned a relevancy score” which “is compared against the set ‘relevancy threshold’ and the preferences to determine if the email is wanted or unwanted (column 6, line 45-column 7, line 3, Pollack).” The Examiner has also argued that “[u]ser feedback is provided to refine the user’s profile and [its] performance to determine unwanted emails,” and that the “user provides positive or negative feedback based on the system’s performance (column 3, lines 51-60, Pollack).”

Appellant respectfully disagrees. First, appellant respectfully asserts that merely assigning a relevancy score to an email which is compared against the set ‘relevancy threshold’ and the preferences to determine if the email is wanted or unwanted, as alleged by the Examiner to be taught by Pollack, fails to even suggest that “a rule associated with said e-mail filtering logic is added if a threshold of a predetermined number of votes positively identifies said potentially

unwanted e-mail message as an unwanted e-mail message,” as claimed by appellant (emphasis added).

Second, appellant respectfully asserts that Col. 3, lines 51-60 in Pollack, as relied on by the Examiner, simply teaches “modifying the user’s profile in the user profiles database based on the user feedback” where the user feedback” may include “receiving an indication from the user that the user has expressed a positive preference for the message information” and “receiving an indication from the user that the user has expressed a negative preference for the message information.” Clearly, only generally disclosing modifying a user’s profile if user feedback expresses a positive or negative preference for message content, as in Pollack, fails to specifically disclose that “a rule associated with said e-mail filtering logic is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as claimed by appellant (emphasis added).

Also in the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that “Pollack’s design teaches ‘votes’ within the user feedback of positives or negatives,” and that “a threshold is set within the user profile (column 3, lines 4-5, Pollack).”

Appellant respectfully disagrees and asserts that Pollack merely discloses that “user profiles may include relevancy thresholds” in which “relevancy scores [are compared] to the relevancy thresholds to generate relevancy determinations (Col. 3, lines 2-6). In addition, as noted above, Pollack discloses modifying a user’s profile if user feedback expresses a positive or negative preference for message content (Col. 3, lines 51-60). Appellant respectfully emphasizes that only generally disclosing modifying a user profile, which may include a relevancy threshold, based on user feedback, as in Pollack, fails to teach a technique “wherein a rule associated with said e-mail filtering logic is added if a threshold of a predetermined number of votes positively identifies said potentially unwanted e-mail message as an unwanted e-mail message,” as claimed by appellant (emphasis added).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on appellant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. A notice of allowance or a proper prior art showing of all of appellant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Group #2: Claims 10, 22, 34

With respect to Claims 10, 22, and 34, the Examiner has relied on Col. 6, lines 30-32 and Col. 9, line 60-Col. 10, line 19 in Pollock to make a prior art showing of appellant's claimed technique "wherein said potentially unwanted e-mail message is forwarded encapsulated within a markup language document including a hypertext markup language document capable of being displayed utilizing a network browser, the document providing voting buttons to allow said addressee to provide said feedback."

Appellant respectfully asserts that the excerpts relied on by the Examiner only disclose posting message information to a web page and "present[ing] a graphical display of the preference matrix 200 that is directly editable by the user." Clearly, only displaying a preference matrix, as in Pollock, does not even suggest that such preference matrix is displayed in association with the forwarding of the potentially unwanted e-mail message, in the context claimed by appellant. In particular, appellant specifically claims that "said potentially unwanted e-mail message is forwarded encapsulated within a markup language document including a hypertext markup language document capable of being displayed utilizing a network browser, the document providing voting buttons to allow said addressee to provide said feedback," as claimed (emphasis added).

In the Advisory Action mailed 03/23/2006, the Examiner, in response, has argued that “the Pollack art allows for a web interface (column 6, lines 30-32, Pollack) and a voting interface (column 9, line 60 – column 10, line 19, Pollack).” Appellant respectfully disagrees and asserts that the excerpts from Pollack relied upon by the Examiner merely teach that “the delivery mechanism 118 may post the message information 120 to a web page accessible to the user 122” (emphasis added). Clearly posting message information to a web page, as in Pollack, fails to meet a technique “wherein said potentially unwanted e-mail message is forwarded encapsulated within a markup language document including a hypertext markup language document capable of being displayed utilizing a network browser,” as claimed by appellant (emphasis added).

Additionally, appellant respectfully asserts that Col. 10, lines 10-12 in Pollack discloses that “[t]he system 100 may present a graphical display of the preference matrix 200 that is directly editable by the user 122” (emphasis added). However, a “graphical display of the preference matrix,” as in Pollock, simply fails to meet appellant’s claimed technique where “the document provid[es] voting buttons to allow said addressee to provide said feedback,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack prior art teaches that the email can be displayed on a webpage (column 6, [lines] 30-32, Pollack),” and that “Pollack teaches how user feedback can be provided through a GUI (column 9, line 60 - column 10, line 19, Pollack).”

Appellant respectfully disagrees and asserts that the excerpts from Pollack noted by the Examiner simply disclose “post[ing] the message information 120 to a web page accessible to the user 122” (Col. 6, lines 30-32), and that “[t]he system 100 may present a graphical display of the preference matrix 200 that is directly editable by the user 122, in which case the user feedback 124 represents changes made by the user 122 to the preference matrix 200” (Col. 10, lines 10-14). However, merely teaching that message information is posted to a web page, in addition to separately teaching that a user may edit a graphical display of a preference matrix, as in Pollack, fails to specifically disclose a technique “wherein said potentially unwanted e-mail message is forwarded encapsulated within a markup language document... capable of being

displayed utilizing a network browser, the document providing voting buttons to allow said addressee to provide said feedback,” as claimed (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #3: Claim 37

With respect to Claim 37, the Examiner has relied on Col. 6, lines 19-23 in Pollock to make a prior art showing of appellant’s claimed technique “wherein said scoring algorithm is responsive to an addressee list of said received e-mail message.” Specifically, the Examiner has stated that such excerpt in Pollock teaches that “a design allows filtering by many means including author.” Appellant respectfully asserts that the excerpt relied on by the Examiner only teaches that the “message information 120 may include...the author of the incoming message.” Thus, Pollock only discloses that message information that is sent to a recipient may include an author (i.e. addressor) of the associated message. Clearly, such teaching does not even suggest any sort of scoring algorithm, as appellant claims, and especially not where the “scoring algorithm is responsive to an addressee list of said received e-mail message,” as claimed (emphasis added).

In the Advisory Action mailed 03/23/2006, the Examiner, in response, has argued that “the Pollack art again teaches how a user is able to provide feedback and that information is used towards ‘relevancy scores’ (column 4, lines 2-3, Pollack).” Appellant respectfully disagrees and asserts the excerpt relied upon by the Examiner teaches a “step of comparing the relevancy scores to the relevancy thresholds” which clearly fails to disclose any sort of “scoring algorithm, let alone appellant’s claimed “scoring algorithm ... responsive to an addressee list of said received e-mail message,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack prior art teaches that the email sender can be set as one of the traits to look out for (column 6, lines 19-23, Pollack),” and that “Dieterman’s design features lists ‘allowed’ and ‘not allowed’ addresses (Abstract).”

Appellant respectfully disagrees and asserts that Col. 6, lines 19-23 in Pollack merely discloses that “message information 120 may include information related to the incoming message 102, such as...the author of the incoming message 102.” However, appellant notes that Pollack further discloses that the “message information 120 may be any information derived from or related to the incoming message 102” (Col. 6, lines 13-14). Thus, Pollack does not disclose “that the email sender can be set as one of the traits to look out for,” as noted by the Examiner. Appellant respectfully emphasizes that only disclosing that message information derived from or relating to an incoming message may include an author of the incoming message, as in Pollack, fails to meet appellant’s claimed “scoring algorithm ... responsive to an addressee list of said received e-mail message,” as claimed by appellant (emphasis added).

Additionally, the Abstract of Dieterman only discloses an “allowed list of electronic addresses,” and not “lists...[of] ‘not allowed’ addresses,” as noted by the Examiner. Further, only generally disclosing an allowed list of electronic addresses, as in Dieterman, fails to even suggest a “scoring algorithm ... responsive to an addressee list of said received e-mail message,” as claimed by appellant (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #4: Claim 40

With respect to Claim 40, the Examiner has relied on Col. 5, lines 24-46 in Dieterman to make a prior art showing of appellant’s claimed technique “wherein said prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail if an administrator identifies said e-mail message as being wanted.”

Specifically, the Examiner has stated that, in Dieterman, it “is also described how a message prompt does not always have to be sent.” Appellant respectfully asserts that such excerpt only teaches that “[t]he identity of the sender of each incoming email message is compared to

identities appearing on the allowed list” such that for an email where “the sender...is determined to not appear on the allowed list...[the email] is placed in the inbox for messages requiring approval” for an administrator to approve. Then, only “[i]f approval is granted...[is] the email message placed in the normal inbox.”

Clearly, Dieterman teaches a situation where the approval is required by the administrator, and is never required by the addressee. Thus, Dieterman does not disclose a situation where a “prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail if an administrator identifies said e-mail message as being wanted,” because Dieterman does not disclose any sort of “prompt for said addressee,” as appellant claims (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Dieterman prior art teaches how an administrator is able to deem an email’s sender as being allowed hence, placing the sender’s address on the allowed list not requiring those emails to be prompted (column 5, lines 24-46, Dieterman).”

Appellant respectfully disagrees. The excerpt from Dieterman relied on by the Examiner merely discloses that “[i]f the sender is determined to be in the allowed list, step 53, the incoming message is designated as a message which does not require approval, step 54, and is in turn, placed in the normal mail inbox” (Col. 5, lines 32-35). However, appellant respectfully points out that Dieterman discloses that “[i]f the identity of the sender of an email is determined to not appear on the allowed list, step 53, the incoming message is designated as a message which requires approval, step 57, and is placed in the inbox for messages requiring approval, step 58,” such that “[a]n administrator thereafter may approve each such message” (Col. 5, lines 35-41).

Thus, Dieterman discloses that an administrator is only allowed to approve messages associated with senders determined to not appear on the allowed list, which does not teach or suggest that a “prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail if an administrator identifies said e-mail message as being wanted,” as claimed (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #5: Claim 41

With respect to Claim 41, the Examiner has again relied on Col. 7, lines 48-64 in Pollack to make a prior art showing of appellant's claimed technique "wherein said rule associated with said e-mail filtering logic is confirmed manually."

"An additional advantage of the system 100 is that the user profiles 112 may be dynamically and interactively modified to influence the operation of the system 100. For example, as described in more detail below, **the user 122 may interactively provide user feedback 124 to modify the user's profile in the user profiles 112 to reflect changes in his or her preferences.** Such changes may be performed relatively quickly and may influence the relevancy evaluations performed by the system 100 immediately. In contrast, changes made to profiles of users in conventional systems typically are not made noticeable to the user until the next time the system processes a batch of incoming messages. As described above, such processing may only occur infrequently. As a result, users of such systems have limited control over the quality and quantity of messages that are delivered to them." (Pollack, Col. 7, lines 48-64 - emphasis added)

The Examiner has argued that "Pollack teaches a design that allow[s] users to add/delete preferences (rules) dynamically or interactively (manually)". Appellant respectfully disagrees and asserts that the excerpt from Pollack relied upon by the Examiner discloses that "the user 122 may interactively provide user feedback 124 to modify the user's profile in the user profiles 112 to reflect changes in his or her preferences" (emphasis added). Clearly, the mere disclosure that the user may interactively modify the user's profile to reflect changes in his or her preferences, as in Pollack, fails to even suggest a technique "wherein said rule associated with said e-mail filtering logic is confirmed manually," as claimed by appellant (emphasis added).

In addition, in Col. 9, line 60-Col. 10, line 19, Pollack teaches that "the user 122 may indicate in the user feedback 124 that the incoming message 102 is not of interest to the user 122" (emphasis added). Further, Pollack teaches that "[t]he user feedback 124 may indicate an ordering of messages represented in the message feature database 106" (emphasis added). In

addition, Pollack teaches that “[t]he system 100 may present a graphical display of the preference matrix 200 that is directly editable by the user 122, in which case the user feedback 124 represents changes made by the user 122 to the preference matrix 200” (emphasis added). However, merely disclosing that user feedback consists of indicating that an incoming message is not of interest to the user, indicating an ordering of messages, and representing changes made by the user to the preference matrix, as in Pollack, clearly fails to even suggest a technique “wherein said rule associated with said e-mail filtering logic is confirmed manually,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack prior art allows users to add/delete preferences (rules) dynamically or interactively (manually) (column 7, lines 48-64, Pollack).”

Appellant respectfully disagrees. First, appellant respectfully asserts that merely adding/deleting preferences manually, as alleged by the Examiner to be taught in Pollack, fails to meet appellant’s claimed technique “wherein said rule associated with said e-mail filtering logic is confirmed manually” (emphasis added), especially where such “rule associated with said e-mail filtering logic is added,” in the context claimed (see independent Claim 9 for context).

Second, appellant respectfully asserts that Col. 7, lines 48-64 from Pollack, as relied on by the Examiner, only discloses that “the user profiles 112 may be dynamically and interactively modified” where “the user 122 may interactively provide user feedback 124 to modify the user’s profile in the user profiles 112 to reflect changes in his or her preferences.” Clearly, a user providing user feedback to modify the user’s profile, especially where the “user feedback may include...an indication from the user that the user has expressed a positive preference for the message information” or “an indication from the user that the user has expressed a negative preference for the message information” (Col. 3, lines 55-61), as in Pollack, fails to teach that a “rule associated with said e-mail filtering logic is confirmed manually,” as claimed (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #6: Claim 42

With respect to Claim 42, the Examiner has relied on Col. 3, line 61-Col. 4, line 18 and Col. 6, line 45-Col. 7, line 3 in Pollack to make a prior art showing of appellant's claimed technique "wherein said manual confirmation is not required if a predefined number of highly trusted users positively identify said potentially unwanted e-mail message as an unwanted e-mail message."

Specifically, the Examiner has stated that such excerpt from Pollack teaches "a design with means for filtering based on the consensus of user feedbacks." Appellant respectfully disagrees. Appellant respectfully asserts that such excerpts from Pollack only relate to utilizing relevancy scores to determine whether an email is relevant to a user and thus whether the email should be sent to the user. Since such excerpts in Pollack only relate to whether to send an email to a user in the first place, appellant respectfully asserts that such does not teach appellant's specific claim language, namely that a "manual confirmation is not required if a predefined number of highly trusted users positively identify said potentially unwanted e-mail message as an unwanted e-mail message," as claimed (emphasis added).

In the Examiner's Answer mailed 11/16/2007, the Examiner has argued that the "Pollack prior art filters based on a consensus of user feedbacks to determine if a message is relevant to a plurality of users (column 3, line 61 - column 4, line 18 and column 6, line 45 - column 7, line 3, Pollack)."

Appellant respectfully disagrees. Col. 3, line 61-Col. 4, line 18 in Pollack merely discloses that "[t]he user profiles database may include relevancy thresholds for the plurality of users, [that] the step of developing the message information may include a step of comparing the relevancy scores to the relevancy thresholds; and [that] the step of delivering the message information may include a step of delivering the message information only to those users whose relevancy scores satisfy the corresponding relevancy thresholds." In addition, Col. 6, line 45-Col. 7, line 3 in

Pollack simply discloses that "the user profiles 112 may include relevancy thresholds associated with users of the system 100," that "[t]he delivery mechanism 118 may include a relevancy thresholder to compare the relevancy scores 114 to the relevancy thresholds to determine which of the relevancy scores 114 satisfy the corresponding relevancy thresholds," and that "[t]he delivery mechanism 118 may then only deliver the message information 120 to users whose relevancy scores satisfy their relevancy thresholds."

However, simply comparing a relevancy score to a relevancy threshold and delivering message information only to those users whose relevancy scores satisfy the corresponding relevancy thresholds, as in Pollack, fails to teach that a "manual confirmation is not required if a predefined number of highly trusted users positively identify said potentially unwanted e-mail message as an unwanted e-mail message," as claimed (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

Group #7: Claim 43

With respect to Claim 43, the Examiner has yet again relied on Col. 7, lines 48-64 in Pollack to make a prior art showing of appellant's claimed technique "wherein said prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail and said rule is not added if said rule is not confirmed manually."

"An additional advantage of the system 100 is that the user profiles 112 may be dynamically and interactively modified to influence the operation of the system 100. For example, as described in more detail below, **the user 122 may interactively provide user feedback 124 to modify the user's profile in the user profiles 112 to reflect changes in his or her preferences.** Such changes may be performed relatively quickly and may influence the relevancy evaluations performed by the system 100 immediately. In contrast, changes made to profiles of users in conventional systems typically are not made noticeable to the user until the next time the system processes a batch of incoming messages. As described above, such processing may only occur infrequently. As a result, users of such systems have limited control over the quality and quantity of messages that are delivered to them." (Pollack, Col. 7, lines 48-64 - emphasis added)

The Examiner has argued that “Pollack teaches a design that allow[s] users to add/delete preferences (rules) dynamically or interactively (manually)”. Appellant respectfully disagrees and asserts that the excerpt from Pollack relied upon by the Examiner merely discloses that “the user 122 may interactively provide user feedback 124 to modify the user’s profile in the user profiles 112 to reflect changes in his or her preferences” (emphasis added). However, the mere disclosure that the user may interactively modify the user’s profile to reflect changes in preferences, as in Pollock, fails to even suggest a technique “wherein said prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail and said rule is not added if said rule is not confirmed manually,” as claimed by appellant (emphasis added).

In the Examiner’s Answer mailed 11/16/2007, the Examiner has argued that the “Pollack prior art doesn’t send a prompt for the addressee to provide feedback (The Dieterman prior art can),” and that “Pollack’s design allows users to add/delete preferences (rules) dynamically (not manually) or interactively (manually) (column 7, lines 48-64, Pollack).”

Appellant respectfully disagrees. First, appellant respectfully asserts that merely adding/deleting preferences manually, as alleged by the Examiner to be taught in Pollack, fails to meet appellant’s claimed technique “wherein said prompt for said addressee to provide feedback is not forwarded with said potentially unwanted e-mail and said rule is not added if said rule is not confirmed manually” as claimed (emphasis added).

Second, appellant respectfully asserts that Col. 7, lines 48-64 from Pollack, as relied on by the Examiner, only discloses that “the user profiles 112 may be dynamically and interactively modified” where “the user 122 may interactively provide user feedback 124 to modify the user’s profile in the user profiles 112 to reflect changes in his or her preferences.” Clearly, a user providing user feedback to modify the user’s profile, especially where the “user feedback may include...an indication from the user that the user has expressed a positive preference for the message information” or “an indication from the user that the user has expressed a negative preference for the message information” (Col. 3, lines 55-61), as in Pollack, fails to teach that “said prompt for said addressee to provide feedback is not forwarded with said potentially

unwanted e-mail and said rule is not added if said rule is not confirmed manually,” as claimed (emphasis added).

Again, appellant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art excerpts, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above.

In view of the remarks set forth hereinabove, all of the independent claims are deemed allowable, along with any claims depending therefrom.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 971-2573. For payment of any additional fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAIIP445).

Respectfully submitted,

By: /KEVINZILKA/ Date: January 16, 2008
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